

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
IN OPPOSITION TO L.D. 542
AN ACT TO REMOVE THE LIMIT ON THE RETENTION
OF LIVE SMELTS**

SPONSORED BY: Representative KESCHL of Belgrade

**CO-SPONSORED BY: Representative CHASE of Wells
Representative FREDETTE of Newport
Representative KNIGHT of Livermore Falls
Senator SAVIELLO of Franklin
Representative SHAW of Standish
Representative WILLETTE of Mapleton
Representative WINSOR of Norway**

DATE OF HEARING: March 5, 2013

Good afternoon Senator Dutremble, Representative Shaw and members of the Inland Fisheries and Wildlife Committee. I am Michael Brown, Fisheries Division Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the department, in opposition to **L.D. 542**.

L.D. 542 will increase the number of smelts a recreational fishing license holder will be able to keep alive from 5 dozen to 2 quarts. The number of smelts per quart varies depending on age, water body, and whether the smelts are graded by size.

In 2001, the Maine Department of Inland Fisheries Wildlife and various public working groups developed a 15-year species plan for smelt management. This plan addressed a number of issues concerning the way we utilize smelts, including forage for game fish, commercial harvest, and recreational fishing.

Limiting recreational license holders to 5 dozen live smelts was one of the recommendations from the department and the public working group. The group addressed concerns voiced by commercial smelt dealers, and others, that large numbers of smelts were being sold illegally, as bait during the spring and that bait markets were flooded with poor quality smelts. The department and the working group identified this as a resource issue due to the numbers of poorly handled smelt and increased fishing pressure on some smelt spawning tributaries. The recommendation to allow recreational

fishermen to keep 5-dozen smelts alive was adopted in 2005 and became effective in 2006.

This rule change allowed the Maine Warden Service to effectively enforce existing laws pertaining to the illegal sale of smelts, while still allowing anglers a reasonable number of live smelt for personal bait needs. Allowing licensed fishermen to keep a two quart daily limit of smelts alive could return the incentive to illegally sell smelts and this may have significant impacts on the population where fishing pressure is high. With commercial and recreational limits being the same, it would be very difficult to catch fishermen selling smelts illegally.

Since 2006, the department has had very few complaints that the 5 dozen live smelt limit was inadequate for most recreational angler activities. Individuals interested in keeping the 2 quart daily limit alive can choose to purchase a Smelt Wholesale License for \$71.00. This will permit the license holder to keep all 2 quarts of smelts alive for personal use or for sale. It could increase reporting which would enable the department to track locations where there are high levels of commercial and recreational smelt harvest.

I would be glad to answer any questions at this time or during the work session.